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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,263	03/08/2004	Laurie A. Gallagher	H0005976	2374
7590 03/21/2008 Honeywell International, Inc. Patent Legal Services 101 Columbia Road Morristown, NJ 07962				
EXAMINER				
MRUK, BRIAN P				
ART UNIT		PAPER NUMBER		
1796				
MAIL DATE		DELIVERY MODE		
03/21/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/796,263

**Applicant(s)**

GALLAGHER ET AL.

**Examiner**

Brian P. Mruk

**Art Unit**

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3, 4, 6-25 and 27-44 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 3, 4, 6-25 and 27-44 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 10, 2008 has been entered.
2. This Office action is in response to Applicant's amendment filed March 15, 2008. Applicant has amended claims 1, 4, 6-9, 23, 25, 27, 29 and 36. Claims 5 and 26 have been cancelled. Currently, claims 1, 3, 4, 6-25 and 27-44 remain pending in the application.
3. The text of those sections of Title 35 U.S. Code not included in this action can be found in the prior Office actions, Paper Nos. 20060616, 20061206, 20070417, and 20071205.
4. The rejection of claims 1, 3, 4, 6-25 and 27-35 under 35 U.S.C. 102(e) as anticipated by Mitra et al, U.S. Patent No. 6,673,761, is withdrawn in view of applicant's amendments and remarks.

5. The rejection of claims 1, 3, 4, 6-25 and 27-35 under 35 U.S.C. 103(a) as obvious over Mitra et al, U.S. Patent No. 6,673,761, is maintained for the reasons of record.
6. The rejection of claims 1 and 3-35 under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ouellette et al, U.S. 2004/0244132, is withdrawn in view of applicant's amendments and remarks.
7. The rejection of claims 36-44 under 35 U.S.C. 103(a) as being unpatentable over Mitra et al, U.S. Patent No. 6,673,761, is maintained for the reasons of record.
8. The rejection of claims 36-44 under 35 U.S.C. 103(a) as being unpatentable over Ouellette et al, U.S. 2004/0244132, is withdrawn in view of applicant's amendments and remarks.
9. The rejection of claims 1, 3, 4, 6-25 and 27-44 under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Shannon, US 2003/0168642, is maintained for the reasons of record.

### ***Response to Arguments***

10. Applicant's arguments filed March 10, 2008 have been fully considered but they are not persuasive.

Applicant continues to argue that Mitra et al, U.S. Patent No. 6,673,761, does not teach or suggest in general a brake dust barrier composition that contains 0.1-5% by weight of at least one film forming compound. However, the examiner respectfully disagrees. Specifically, Mitra et al clearly teaches the inclusion of polymers, such as polystyrenesulfonates (see col. 13, lines 15-45). Furthermore, the examiner asserts that the adjunct ingredients, such as polymers, taught by Mitra et al would meet the 0.1-5% by weight limitation recited in the instant claims, since it is known in the art that adjunct ingredients, such as polymers, are present in this amount. Also, one of ordinary skill in the art would be able to determine that this amount of a polymer would be used in the compositions disclosed in Mitra et al with routine experimentation. Specifically, Example 6 of Mitra et al contains 90% by weight of water and 4.18-8.05% by weight of the ingredients BARQUAT 425OZ, potassium citrate, EDTA, isopropanol, amine oxide and fragrances. Therefore, these components contribute 94.18-98.05% by weight of the composition, which would leave 1.95-5.82% by weight of adjunct ingredients, such as polymers.

Applicant argues that Shannon, US 2003/0168642, does not teach or suggest in general a cleaning composition that contains the film forming compounds required in the newly amended claims. However, the examiner respectfully disagrees. Specifically, the examiner asserts that Shannon clearly discloses that their composition contains anionic silicone carboxylates (see paragraph 22), which meets the silicone/acrylate copolymer requirement of the instant invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Mon-Thurs (7:00 AM-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian P Mruk  
March 15, 2008

/Brian P Mruk/  
Primary Examiner, Art Unit 1796

Brian P Mruk  
Primary Examiner  
Art Unit 1796